

PHANTOM BULL ELK RANCH - EXPANSION
DECISION DOCUMENT
July 9, 1999

Game Farm Application and MEPA Review

Montana Department of Fish, Wildlife & Parks (FWP) received an application for an expansion of the existing Phantom Bull Elk Ranch (PBER) game farm from Jack Bridgewater on May 19, 1999. FWP on June 1, 1999 accepted the application as complete which initiated a 120-day review and decision period per laws governing game farms.

The applicant proposes a 20-acre expansion to the existing 600-acre PBER game farm. The purpose is to provide additional pasture for game farm animals. The number of game farm animals in the PBER would not change. The proposed expansion and game farm is situated approximately 20 miles northeast of Townsend, Montana.

A Draft Environmental Assessment (EA) was prepared pursuant to the Montana Environmental Policy Act (MEPA) and the game farm statutes and distributed for public review on June 10, 1999. Comments on the Draft were accepted through June 30, 1999. No comments were received on this proposal. The Draft EA identified no significant impacts that could not be mitigated. The Department, accordingly, issued a Final EA which adopted the Draft EA, determined that the proposed project will create no significant impacts on the human environment and determined, therefore, that an environmental impact statement was not required.

Proposed Decision

Based upon our review of the EA, the game farm license application file and the information noted below, the FWP has determined that an amended license to expand the PBER game farm in question will be issued. The issuance of this license is contingent upon approval of fence construction and the Licensees' adherence to the stipulations listed below. The Licensee will have two years from the date of this approval to complete fence construction as submitted in their application. Changes from the application must be approved by FWP prior to implementation of modifications.

Licensee must be in compliance with all game farm statutes, rules and regulations of Montana Fish, Wildlife and Parts and Department of Livestock. Current regulations are attached for the applicant's information, but it is the licensee's responsibility to keep up with any changes in the laws or regulations. The Licensee must also comply with the stipulations listed below.

With most game farms, there is the concern of disease transmission to wild populations and also genetic 'pollution' should wild and captive animals interbreed. Wild animals such as native elk,

black bears, mountain lions and coyotes can be attracted to game farms due to the availability of food and potential breeding opportunities. Responsible management and adherence to FWP stipulations and regulations should reduce the risk of contact between wild and game farm animals to an acceptable level. The regulatory requirements for fencing and disease control should be sufficient for this purpose, and the Environmental Assessment recommends additional measures which would assist in that effort.

The recommendations include the following: that the Licensee properly store hay, feed and salt in enclosed containers and buildings a sufficient distance from the perimeter fence to minimize the attraction of wild animals; that the Licensee use commonly accepted sanitation measures to remove excess feed, dead animals and other wildlife attractants; and that the Licensee regularly patrol the fences to determine whether wild animals are gaining access to the game farm.

The proposed game farm will exclude native wildlife from using 20 acres of habitat in addition to the existing 600-acre game farm. Given the small size of the proposed expansion, and the fact that existing game farm doesn't appear to have had negative effects on native wildlife, this impact is not considered significant. No noticeable impacts on wildlife movement or migration through the area are expected as a result of the expansion.

Any potential impacts on water quality not addressed herein can be mitigated by the applicant's compliance with the state's water quality standards and requirements. Point source discharges, which include operations qualifying as concentrated animal feeding operations, are regulated under Title 75, Chapter 5, Part 6, MCA, and ARM 16.20.1301, et seq. and may require permits. Non-point source discharges are regulated under the prohibitions against the pollution and non-degradation of state waters. Title 75, Chapter 5, Parts 3 and 6, MCA, and ARM 16.20.701 et seq. Non-point sources of pollution are considered non-significant sources of degradation where reasonable land, soil, and water conservation practices are applied and existing and anticipated beneficial uses will be fully protected. ARM 16.20.713. The Department of Environmental Quality has the authority to determine whether an activity satisfies these standards. ARM 16.20.709.


The Department has the duty under the Montana Environmental Policy Act to conduct an additional environmental review if the action approved by the agency changes, subsequent to the agency's original approval, in a manner which has impacts substantially different from those which were reviewed in the original MEPA review { Ravalli County Fish and Game Association v. Montana Department of State Lands, 273 Mont. 371, 903 P.2d 1362 (1995).} To the extent that the applicant hereafter increases the number or species of animals or makes other significant changes to the operation, a supplemental MEPA review may be conducted.

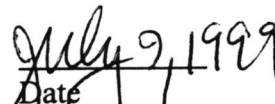
License Stipulations:

Stipulations for this expansion are consistent with those for the previously licensed facility. They are:

1. You may continue to own, sell, or propagate the remaining game farm deer on your facility to the fullest extent allowed by law. Other than through natural reproduction among the remaining deer within your game farm, you may not purchase or add deer to your game farm facility now or at any time in the future. After the death, sale or loss of your last deer, whitetail deer and mule deer will be removed from your game farm license.
2. In the event of a transfer of ownership of your game farm facility, any remaining deer must be accounted for and removed from the facility. From that point forward no whitetail deer or mule deer will be permitted to be held within this facility for any reason, unless otherwise allowed by this department

There are a number of recommended mitigation measures listed on pages 7 through 9 of the Final EA that were developed to address environmental concerns in relation to this proposal. These mitigation measures are part of the public record through the MEPA process. These mitigation measures are part of the Proposed Action as defined in the Draft EA and your amended license will be issued under the condition that these mitigation measures will be implemented as part of your proposal.


Michael Korn
Helena Area Coordinator


Date

Please sign and return the original to FWP to indicate your concurrence with the license stipulations listed above. A copy of the signed decision will be provided to you for your records.

Mail to: Kari Janikula, MFWP Region Three, 1400 South 19th, Bozeman, MT 59715.

Jack Bridgewater

Date